

A

REVIEW OF THE STATE OF THE BRITISH NATION.

Thursday, February 23. 1710.

I have offer'd a Word or two in the Case of poor Insolvents, a Case I have often spoken to, and for Remedy in which a Bill is now depending in the *House of Commons*. — I doubt not, but the *House*, mov'd with a just Compassion for the Miserable, whose Number is unusually increas'd by the Calamity of the Times, will make what Provision they think proper against the Grievance we complain of. — But that this Provision may be made effectual to answer the End for which the Parliament are sollicited, it seems very necessary, that the Parties, who move for this Bill, shoud rightly represent both the Mischief and the Cure. — And really it is for Want of this, that so many lame Laws

have already been made in this Behalf; most of which, tho' they bear handsome Titles for Relief of Creditors, for Relief of Insolvent Debtors, and the like, yet have been so far from reaching the Root of the Disease, that they have left the Thing worse than they found it.

It is in vain to look back upon the Abuses and Misapplications of these Laws; how Knaves have been deliver'd, and honest Men left behind; how little petty Debtors, that have almost gone to Prison on purpose to come out again, have taken the Advantage of these Acts, to cheat their Creditors of trifling Summs, which they could well enough have paid; and the real Objects of Compassion, of which the Nation is full,

and

and who owe their Destruction to the inevitable Disasters of a tedious and *to Trade & ruinous War*, lie in Misery from Age to Age, and have no Relief or Hope from any of these Laws.

This is just as it is in your Charity, where you relieve the clamouring, noise, teizing Poor, who lie in the Streets, or at your Doors, and get the small Alms from your Pockets, and the broken Meat from your Kitchens, which Half of them have no Want of, but sell again to be drunk with the Money — Whereas the Misery and Poverty of this Nation lies among poor labouring, diligent Families, oppress'd and sunk by Want of Employment, Sickness, Loss of the Husbands and Fathers that work'd for them, and Numbers of Children — If you would be charitable in earnest, and remove Misery from you — These are the Poor you should be concern'd for ; of whom bereafter.

So in the Case of Insolvency, here are Petitions from Prisons, and miserable Objects represented every Session of Parliament, and frequent Acts have been made to relieve the naked distress'd Bankrupt — But where is the Mistake ? I think 'tis plain — It has lain in the cruel Limitations always hook'd into these Acts, by which the End has been defeated by these Limitations, I mean, Limitation of Sum, and Limitation of Conditions.

1. Limitation of Sum — As if a Man, that own'd ten Thousand Talents, and had not a Penny left to pay 'em, was not as great an Object of Compassion, as he that 'ow'd but a hundred Pence — The Argument is fair against our Practice ; for the great Debtor is the Man to whom this Charity should be shewn — The little Debtor might be oblig'd to work for the Debt, or there being some Probability of his getting wherewith to pay it, might be let out, and a Bond taken to pay, if he became able.

But the Man that is ruin'd in great Business, and whose Debt is too heavy to hope for a Recovery, he lies without any View of the End of his Distress, and pays with his Life the woful Account, he languishes with-

out Hope, and dies a mere Sacrifice to the Resentment of a furious Creditor — Whereas this is the real Object for whom a Law should be made.

2. Limitation of Terms ; and this looks back to the late Act for the Bankrupt's Surrender — An Act fairly propos'd to relieve the honest, and punish the knavish Bankrupt — but turn'd to its contrary Extreme by the Art of the Creditor, by a Limitation which I shall only mention, and leave to the Judgment of the most impartial Observers to determine, whether it carries the Face of Justice usual in our Laws, or no — It was design'd thus, That every Bankrupt should faithfully surrender upon Oath all his Effects ~~but Five~~, to the Use of his Creditors — To make as good a Fence against Fraud as possible, it was made Felony for the Bankrupt to conceal any Part of his Effects — The Penalties on his refusing to submit to Examination, or to make this Surrender, were such, that we have not seen one Man dare to refuse it, and at the same time venture to stay in his Native Country ; Those that have attempted to avoid it, have been proscript'd in Print, Reward set on their Heads, and Descriptions given of their Persons, in order to their being apprehended, just as we do with a Thief or a Murtherer.

When all this was done, and the Bankrupt had honestly stript himself naked, and left himself nor his Family Bread to eat ; what was he to expect ? — HIS LIBERTY was his Request, That he might strive to feed his Wife and Children, and if possible recover in the World again — And this was propos'd as the Encouragement to Men to be honest and free in their Discovery.

When the Act had thus brought Creditor and Debtor to a State of just Equality, that the Creditor should command all the Debtor had but his Life — And the Debtor, tho' stript naked, should yet, naked as he was, be free. LOE ! And I confess to my Surprise, a Clause is offer'd and passes — That the Debtor shall be oblig'd in Manner, and under the Penalties as before, to surrender all upon Oath, and be stript of All

All to the Clapieris his Back——
But that; yet the Creditor shall keep his
Body, starve him, and never let him out of
Prison, unless They and Four Fifth Parts
of them in Number and Value voluntarily
please to agree to it——This is, what, if it
were not an English Law, I would call bar-
barous and inhuman, and contrary both to
the Laws of GOD, and the Usage of all
Christian Nations.

It is also very remarkable, That while
this Act was carrying on in the House without
these Limitations, it was most warmly op-
pos'd by some of our Traders, more than
ordinarily famous for murkering of Deb-
tors; but as soon as this merciful Limita-
tion was added, whereby the Life of the
Debtor is given up into the Hand of the
Creditor, these very Gentlemen testify'd,

that they had what they wanted, and not
only acquiesc'd in that Act, but solicited
its being contain'd, when it was near its Ex-
piation.

And this is now our Case in England:
The Debtor is first stript by his Surrender
on Oath, and on the Peril of the Gallows; then
put in Prison by the merciless Creditor,
to perish and be starv'd, when he has
nothing left to pay, and when what he had
left to compound with is taken from him.

If any Act of Parliament that is on Foot,
relieves the smaller Debtors, and leaves
this Case unprovided for, I cannot see any
Advantage in it to the Nation, more than
there is in relieving the Street Beggar, and
leaving the diligent, modest Poor to starve
and be undone. I shall explain my self
further in my next.

MISCELLANEA.

WE are all now waiting the Issue of
the Proceedings against the Do-
ctrines of Passive-Obedience and Non-Re-
sistance in the Trial of Dr. Sacheverell, in
which, without taking any Mauner of No-
tice of that Gentleman, or of the Fate which
attends him one way or other, I cannot but
observe some very odd Circumstances,
which agitate the Minds of the People of
this Nation at this time——I shall only
mention them here, and speak larger to
them, as they come in their Order.

First. The Folly of those Gentlemen, who
being Favourers of these absurd Tenents,
flatter'd that Gentleman and themselves
with such vain Suggestions, as that the Par-
liament would drop the Thing——That they
would not, and sometimes that they could
not, and not seldom that they durst not go
on with it. These Things I need say no
more to than this, after what has been said
and done already; (*Viz.*) Of all Men in
the Nation you should not have suggested
it, since it is apparent, not the Doctor only,
but the Party espousing those ridiculous

Doctrines, had brought the Parliament al-
most to a Necessity of going on with it——
And they might have easily obser'd, that
either the Party must be prosecuted and
supress'd, or the whole Nation must suffer
another Revolution.

This made their Suggestion the most
plain Delusion that we have seen in this
Age, and I wonder, they should be so
weak to amuse themselves and their Friends
in such a Manner.

And how blank do they look? How si-
lently do they muse over the Votes, after
they have read the Resolutions of Replica-
tion, and of being present at the Trial of
the Doctor? How do they reproach one
another with their former Notions? —
And how yet more dull will they be, when
they come to see the Conclusion of this
Tragi-Comedy? — When they shall find
the Doctrine of Non-Resistance exploded,
the Defender of it censur'd, the Future ad-
vancing that vile Absurdity threaten'd,
and the Freedom of the Subject to defend
his Native Rights asserted, and all this by
the united Legislature of Britain.